

## CABLE LINES PLACED UNDER U. S. COMBINE

Burleson Issues Order and Appoints George G. Ward as Director.

## MACKAY PROTESTS ACT

Officials of Commercial Company Deny Need of Amalgamation and Refer to Suit.

Acting in accordance with the powers which he considers to have been vested in him by Congress for the control of telegraph and cable lines during the war Postmaster-General Burleson directed yesterday the amalgamation of the marine cable system of the Western Union Telegraph Company and the Commercial Cable Company, naming as director of both George G. Ward, vice-president and general manager of the Commercial company.

Mr. Burleson's order was issued only a few hours after the Commercial company had filed suit in the United States District Court here asking that the Government be enjoined from taking over its system, the company through Charles E. Hughes, its counsel, claiming that "the seizure of the marine cable system of the company by the Government was and is illegal, void and ultra vires."

Mr. Ward in a statement last night says it will be impossible for him to accept the cable directorship.

It was understood also in Washington yesterday that Mr. Burleson had in contemplation a unification as well of telegraph lines and that he might direct the consolidation of the lines of the Western Union and Postal Telegraph companies to-day or in a few days. The telegraph lines, it is understood, will be placed under the charge of the managing officer of the Western Union.

## Burleson Notifies Mackay.

Mr. Burleson's decision in regard to the cable lines was announced by him in the following message to Clarence H. Mackay, president of the Commercial company:

"The interests of the public service during the present emergency necessitate the unification in operation to the fullest extent possible of the cable systems leading from this country to Europe so that the full capacity of all the cables may be made available to the public and the press. It is manifest that this can only be accomplished through the operation of the two systems under one management. I have made a survey of the situation and am satisfied that the object sought can best be accomplished by placing the cables with the operating head of the Commercial Cable Company."

"I therefore direct so far as I am authorized by the joint resolution of Congress, under which the cable systems are now controlled by the Government of the United States, that Mr. George G. Ward, vice-president of the Commercial Cable Company and who I understand has direct charge of the operation of both the Commercial Cable Company and the cable system operated by the Western Union Telegraph Company."

"I trust that I will have the hearty cooperation of the officials of both cable systems in carrying out these directions."

"I am sending a copy of this letter to Mr. Ward, also to Mr. Newcomb Carlton, president of the Western Union Telegraph Company."

## Mackay and Ward Protest.

The feeling of Mr. Mackay and Mr. Ward as to the necessity and advisability of the Postmaster-General's order was made clear in a letter sent to Mr. Burleson last night by Mr. Mackay, and in a statement issued by Mr. Ward, in which he had heard from Mr. Burleson. Mr. Mackay wrote:

"In answer to your letter to me of to-day, which has been given to the newspapers, I beg to say that the most expert cable advice that I have been able to get indicates that a better work can be done by a continuance of the present separate management of the two cable companies than by an attempt to amalgamate two plants which have been operated separately and successfully for so many years."

"As you doubtless are aware, the Commercial Cable Company today has filed a bill in equity in the United States Court in this city to prevent just such an amalgamation, and I am assured that the best interests of the public will be advanced instead of retarded if no such amalgamation takes place."

Mr. Ward's statement was to the effect that he could not accept the directorship offered him. He said:

"Nothing can be gained by attempting to operate these two companies as one. The cables of both companies are already taxed to their utmost and single management of the two could not possibly put any more business over them than at present, and I think it very desirable to keep up the present competition."

Moreover, the Commercial Cable Company, of which I am general manager, filed a bill in equity to-day in New York to enjoin the Postmaster-General from doing this very thing which he wishes me now to become a party to and of course I cannot do that. The proper and best way is to leave the two companies as they are and let them go on about their business and not try to operate them as one."

## SWEETSER MADE MAGISTRATE.

Mayor Appoints Organization Democrat to Office.

Mayor Hylan yesterday appointed William A. Sweetser of 261 Broadway a city Magistrate, to fill the term of Magistrate Charles N. Harris which ends on June 30 next. Magistrate Harris was also reappointed to succeed Magistrate Charles W. Appleton, resigned, for the term expiring June 30, 1919.

Magistrate Sweetser lives at 182 West Eighty-eighth street. He is an organization Democrat.

## Wildcats

In Washington they are talking about regulating issues of securities for the next few years.

They fear that all sorts of wild cat stocks and so-called securities will be issued at high rates of interest to tempt people to trade off their Liberty Bonds.

We advise you to hold on to your Liberty Bonds and for your future savings consider Guaranteed Mortgage and Guaranteed Mortgage Certificates.

They pay 5% and are guaranteed by the Bond & Mortgage Guarantee Company. They are for sale at any of our offices. Things that pay better are quite apt to involve the risk of your principal.

## TITLE GUARANTEE &amp; TRUST CO

Capital \$5,000,000  
Surplus \$11,000,000

176 Broadway, N.Y., 176 Nassau St., N.Y.  
350 Fulton St., Jamaica

## MACKAY STARTS SUIT ON SEIZURE

Continued from First Page.

proclamation, in a manner that he would be the Commercial company to lose its identity. It is alleged that the affairs of both companies would become so intermingled that separation would be a hopeless undertaking. The allegations in this regard follow:

"That the separate identity, business and good will of your orator may be destroyed or so far as your orator may be concerned, so that your orator may be forced to abandon competition heretofore and acquiesce in the ownership of the cable, or an amalgamation of all cables in the Atlantic Ocean. That defendant has called in an assistant and adviser Theodore N. Vall, president of the American Telephone and Telegraph Company, to work out a plan for a 'universal wire service' including all wire communications of the United States, namely, cables, telegraph lines and telephone lines. That all this is and would be in violation of the anti-trust act of Congress of July 2, 1890, which applies in full force to defendant as well as your orator, now that the war has terminated."

## Affects Pacific Ocean Cables.

The complaint contains much that is in answer to statements in explanation for the Government. It has been said that the approaching peace conference and President Wilson's absence in Europe make necessary unification of the cable systems and Government control. The company asks if this emergency also required the seizure of lines in the Pacific Ocean and to South America.

"The transmission of cablegrams for the peace conference between America and Europe did not and does not justify the seizing of 10,000 miles of cable from San Francisco to China, Japan and the Philippines. It is declared, 'nor the seizing of two cables from New York to Panama, thence to the west coast of South America, thence over the mountains to the Argentine republic; nor the seizing of cables to Cuba and Mexico; nor the seizing of thirteen cables across the Atlantic. All of said thirteen cables have been and are devoted first to the transmission of Government messages relative to peace negotiations or any other Government business, press messages and commercial messages, and the seizing of said thirteen cables by the Government does not facilitate or better in the slightest degree the transmission of Government peace messages or any other messages."

## Company Not Consulted.

"Your orator was not consulted as to the necessity or even advisability of said seizure of said cables, although your orator could have given more complete expert advice on that subject than any one else conversant with cable affairs."

"The company challenges the assertion in the President's proclamation that the national security and defense makes seizure of cable lines necessary. It asserts that 'national security' was attained with the signing of the armistice."

"The seizure of said cables on the ground that they were or are necessary for the national security or defense was and is a mere pretext without substance or basis of fact whatsoever," the complaint asserts. "Ever since the United States entered the present war the American ends of said marine cables of your orator have been and still are under the absolute control of the officials of the Government and particularly the control of the Director of Naval Communications, and nothing has been done by your orator relative to the operation of said cable lines without the knowledge and approval of said Director of Naval Communications."

All Demands Met Promptly.

"A most rigid censorship was established by the Government over your orator's cables, and your orator has heartily cooperated in said censorship. All the demands and even requests of the Government on your orator in behalf of the national security and defense have been promptly, fully and cheerfully complied with by your orator, notably a request on October 29,

1918, by the State Department that your orator place at the disposal of that department and the President a special cable across the Atlantic so that there might be instantaneous communication between the Government at Washington and its American representatives at Paris."

The company declares that the power of failing compensation vested in the President by Congress will be exercised by his Postmaster-General and adds: "The determination of your orator's compensation will thus be left to the arbitrary caprices and prejudiced mind of defendant, who is interested in an unfair and unreasonable, insufficient and inadequate compensation to your orator, because the loss he gives your orator the more he keeps for the Government to its profit at your orator's expense and to the personal benefit of defendant; that for many years past the defendant as Postmaster-General has advocated Government ownership of telegraphs and cables and that defendant is not an impartial tribunal to determine the compensation, operation, competition and policy of complainant in regard to its said system of marine cables."

## Would Avoid Court of Claims.

The complainant asserts that its right to appeal to the Court of Claims from the awards of the Postmaster-General is an illusory one in the absence of provision for the setting aside of a sum sufficient to pay a judgment obtained in that court. Such a judgment would have to be paid by a Congressional appropriation, which cannot be forced.

It cites a case in which one of the cables of a subsidiary was cut by a United States warship in 1907. The Court of Claims gave the company a judgment for \$25,000 in 1913. This judgment has not been paid.

The company cites facts connected with the seizure of the land lines of the Postal Telegraph system, with which it is intimately connected, in support of its contention that the proceeding directed against it threatens to be confiscatory in violation of established principles of law. It is asserted that although the Postal company made a profit of \$4,269,547 in 1917, the Postmaster-General awarded it \$1,630,000 as compensation for seizure, this figure being 6 per cent. of \$25,000, the physical valuation of the plant made by a committee.

This compensation is alleged to have been fixed without a correct method of appraisal and without any allowance for earning power.

The complaint was filed late yesterday afternoon. It asks that a subpoena issue to compel the Postmaster-General to appear to answer and show cause why a temporary injunction should not be issued against him on a day to be fixed by the court.

## HARVARD PRESIDENT RISKED LIFE FOR DOG

Dr. Lowell Fought Bull to Save His Pet Pup.

Special Despatch to THE SUN.  
CAMBRIDGE, Mass., Dec. 4.—All Harvard University is talking of President Lowell's risking his life to rescue his pet spaniel Gobbins from an angry bull. The story has just become public as the result of explanations accounting for the appearance of a successor to Gobbins as Dr. Lowell's pal. President Lowell was striding through Boylston street with the pup when a herd of cattle bound to the stock yards in Brighton passed. A bull edged out of the herd and before the herd could interfere rushed at the spaniel. The

pup escaped the first rush. Then President Lowell went into action. Shouting to engage the bull's attention he struck the animal on the nose with his walking stick as fast as he could wield the cane. Mr. Bull, snorting, backed into the herd and the pup was safe.

Gobbins, who went everywhere with Dr. Lowell, even intruding into faculty meetings, was run over by an automobile last summer. Recently Dr. Lowell decided to get another spaniel. So Phantom, as he calls the new dog, is learning President Lowell's route.

France Demobilizes Reserves.  
PARIS, Dec. 4.—The Government has taken all necessary measures to insure the demobilization of all classes of the territorial reserves before the end of February, according to L'Œuvre.

W. L. DOUGLAS  
"THE SHOE THAT HOLDS ITS SHAPE"

For men and women  
\$3.50 \$4.00 \$4.50 \$5.00 \$6.00 \$7.00 & \$8.00

You'll never need to ask "What is the price?" when the shoe salesman is showing you W. L. Douglas shoes because the actual value is determined and the retail price fixed at the factory before W. L. Douglas name and the retail price is stamped on the bottom. The stamped price is W. L. Douglas personal guarantee that the shoes are always worth the price paid for them.

Stamping the price on every pair of shoes as a protection against high prices and unreasonable profits is only one example of the constant endeavor of W. L. Douglas to protect his customers. W. L. Douglas name on shoes is his pledge that they are the best in materials, workmanship and style possible to produce at the price. Into every pair go the results of sixty-six years experience in making shoes dating back to the time when W. L. Douglas was a lad of seven, pegging shoes.

CAUTION—Before you buy be sure W. L. Douglas name and the retail price is stamped on the bottom and the inside top of the shoe. If the stamped price has been mutilated, BEWARE OF FRAUD.

For sale by 108 W. L. Douglas stores and over 9,000 W. L. Douglas dealers, or can be ordered direct from W. L. Douglas, Inc., 210 Spring St., Boston, Mass. Send for booklet telling how to order shoes through the mail, postage free.

W. L. Douglas Stores in Greater New York:

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755 Broadway, cor. 8th St.  
647 Broadway, near 14th.  
1585 Broadway, cor. 86th St.  
1485 Broadway, near Times Sq.  
984 Third Avenue.  
1452 Third Avenue.  
2202 Third Ave., cor. 120th St.

2779 Third Ave., bet. 126th & 127th St.  
84 Eighth Avenue.  
250 West 120th Street.  
1270 Broadway, cor. 10th St.  
421 Fulton Street, near Pearl.  
708 Broadway, near Thornton St.  
1367 Broadway, cor. Gates Avenue.  
478 Fifth Avenue, cor. 11th St.  
120 East State Street.

1779 Manhattan Avenue.  
1779 Pitkin Avenue.  
JERSEY CITY—18 Newark Avenue.  
HOBOKEN—129 Washington St.  
UNION HILL—276 Bergenville Ave.  
NEWARK—831 Broad Street.  
PATRICKSON—192 Market Street.  
TRENTON—20 East State Street.

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of good quality, not eaten, is wasted. An unpalatable dish is rejected. A tasteless dish makes an expensive meal. Hundreds of dishes can be made enjoyable by the use of the celebrated

LEA & PERRINS SAUCE

THE ORIGINAL WORCESTERSHIRE

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AMERICA'S FOREMOST THEATRES AND HITS UNDER THE DIRECTION OF LEA & J. J. BURBANK

WINTER GARDEN BROADWAY  
38th Street, N.Y.  
Smoking Room at 8:30  
NATURAL TOY AT 8:30

AL TOLSON  
An Incomparable Comedy of 150  
38th Street, N.Y.  
New York  
SUNDAY NIGHT CONCERT  
BIG BILL OF ALL STARS

CENTRAL B'way & 47th St. N.Y. 17, Eves 8:30  
Returned to the Spoken Stage in  
FOREVER AFTER

JAMES WHITCOMB RILEY'S  
HOME AGAIN  
With Marvin Arbuckle—Tim Murphy  
PLAYHOUSE  
38th Street, N.Y.  
Mats. Wed. & Sat. 2:15.

ROOF CENTURY THEATRE, Phone Cal. 8800  
CENTURY GROVE MIDWINTER  
BEAUTIFUL GIRL EVERYTHING  
48TH ST. N.Y.  
Mats. Thursday & Sat. 8:30

THE BIG CHANCE  
With MARY NASH  
REPUBLIC  
FLORENCE REED IN  
ROADS OF DESTINY  
HULSON  
LOUIS MANN & SAM BERNARD  
FRIENDLY ENEMIES

ELTINGE West 42nd St. N.Y. Eves 8:30  
HARRIS  
KALICH  
CASINO  
SOLE TIME  
PRINCESS  
LYRIC  
UNKNOWN PURPLE  
BROADHURST  
AS WELCOME AS PEACE  
NORA BAYES  
H.B. WARNER in  
SLEEPING PARTNERS BORDONI

ASTOR  
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